

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JAMES GLENN WILDER,

Petitioner,

v.

TIMOTHY C. WARD, Commissioner,
Georgia Department of Corrections,


Respondent.

CV 118-157

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **GRANTS IN PART** Respondent's motion to dismiss, (doc. no. 11), **DISMISSES** Petitioner's ground one claim for ineffective assistance of appellate counsel for failure to exhaust, and **ORDERS** Petitioner, within fourteen days of this Order, to either (1) dismiss the petition in its entirety so that he may present to the state habeas court his unexhausted claim for ineffective assistance of appellate counsel; or (2) notify the Court of his preference to proceed in this Court only with respect to the remaining exhausted claims.

SO ORDERED this 13th day of August, 2019, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA